Manitoba

Annual Report 1986 - 87

Municipal Affairs

The Surface Rights Board

Manitoba

Minister of
Municipal Affairs

Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour George Johnson
Lieutenant-Governor of Manitoba
235 Legislative Building
Winnipeg, Manitoba
R3C 0V8

May It Please Your Honour:

I have the privilege of presenting to you the Annual Report of the Surface Rights Board of Manitoba for the Fiscal Year ending March 31, 1987.

Respectfully submitted,

John M. Bucklaschuk

John M. Bucklaschuk

Manitoba

Municipal Affairs The Surface Rights Board

Room 803
Norquay Building
401 York Avenue
Winnipeg, Manitoba, CANADA
R3C 0P8

(204) 945-0845

June 26, 1987

The Honourable John M. Bucklaschuk
Minister Responsible for
The Surface Rights Act
Room 330 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Sir:

Pursuant to the provisions of Section 15 of the Surface Rights Act, the Board is pleased to submit its annual report for the fiscal year ending March 31, 1987.

Yours truly,

J.D. McNairnay, Q.C.
Presiding Member

TABLE OF CONTENTS

SURFACE RIGHTS BOARD MEMBERS 1

RESPONSIBILITIES OF BOARD MEMBERS 2

PURPOSE OF THE SURFACE RIGHTS ACT 3

POWERS OF THE BOARD 4

BOARD ACTIVITY 1986/87 TOTALS 5
.... 6

1985/86 TOTALS 7

1984/85 TOTALS 8

1983/84 TOTALS 9

BOARD ORDERS ISSUED 1986/87 10
..... 11
..... 12

THE SURFACE RIGHTS BOARD OF MANITOBA

MINISTER RESPONSIBLE FOR THE SURFACE RIGHTS ACT

THE HONOURABLE JOHN M. BUCKLASCHUK

THE BOARD

MR. J.D. MCNAIRNAY, Q.C.	PRESIDING MEMBER
MR. HOWARD NIXON	DEPUTY PRESIDING MEMBER
MR. KEN CARELS	MEMBER
Mr. MATTHEW BRITTON	MEMBER
MRS. MARGARET IRWIN	MEMBER

COUNSEL

MR. NEVILLE D. SHENDE, Q.C.	BOARD SOLICITOR

THE STAFF

MR. BRYAN SHERIDAN	SECRETARY TO THE BOARD
MRS. CATHY ACKLAND	ADMINISTRATIVE SECRETARY

THE RESPONSIBILITIES OF BOARD MEMBERS

The Act provides for the Surface Rights Board and empowers the Board to administer and enforce The Act. The Board is presently composed of five Members, one of whom is the Presiding Member and another who is designated the Deputy Presiding Member.

Members are appointed by the Lieutenant Governor in Council and represent various geographic, social and economic sectors of the province.

In discharging its responsibility for administration of The Act, the Board may:

(a) Hold sittings from time to time at such times and places in the province as it may deem expedient;

(b) Enter upon and inspect or authorize any Member of the Board or other person to enter upon and inspect any place, building, works or other property directly or indirectly involved in any matter before the Board;

(c) Appoint, or direct, to inquire into and report upon, any matter before the Board. The Members are not full time Board Members, but are paid on a per diem basis.

THE PURPOSE OF THE SURFACE RIGHTS ACT

The Surface Rights Act was proclaimed to be in force August 9, 1983.

The purposes of The Act are:

(a) To provide for a comprehensive procedure for acquiring and utilizing surface rights;

(b) To provide for the payment of just and equitable compensation for the acquisition and utilization of surface rights.

(c) To provide for the maintenance, preservation and restoration of the surface of land acquired in connection with surface rights.

(d) To provide for the resolution of disputes between operators, occupants, and owners arising from the entry upon, use or restoration of the surface of the land.

POWERS OF THE BOARD

Fulfilling its mandate to provide for the concerns of both landowners and the oil industry in Manitoba, the Board is empowered to:

(a) Administer and enforce the Act and the regulations;

(b) Carry out surveys and research programs and obtain statistics for the purposes of the Board.

(c) Conduct hearings and investigations and determine and prescribe the scope thereof;

(d) Require any person to submit to it such returns in such form as it may require.

(e) Prohibit or require the doing of any act by any of the parties to an application which is before the Board.

(f) Provide mediation services upon the request of a party to a dispute concerning surface rights.

BOARD ACTIVITY 1986/87

Signed Agreements		
Registered leases brought forward	802	
Registered leases 1986/87	74	
Carried forward		876
Review of Compensation Applications		
Applications brought forward	35	
Applications 1986/87	7	
Settled 1986/87	19	
Carried forward		23
Right of Entry Applications		
Applications brought forward	4	
Applications 1986/87	4	
Settled 1986/87	8	
Carried forward		0
Damage Claims (Tortious Acts)		
Applications brought forward	0	
Applications 1986/87	1	
Settled 1986/87	0	
Carried forward		1
Abandonment Notices		
Notices brought forward	73	
Notices 1986/87	61	
Settled 1986/87	32	
Carried forward		102
Other Applications:		
Termination of Board Order		
Applications brought forward	0	
Applications 1986/87	8	
Settled 1986/87	1	
Carried forward		7

BOARD ACTIVITY 1986/87 cont'd.

Absentee Mineral Rights Owner		
Applications brought forward	0	
Applications 1986/87	3	
Settled 1986/87	0	
Carried forward		3
Application for Abandonment Order		
Applications brought forward	0	
Applications 1986/87	4	
Settled 1986/87	1	
Carried forward		3
Board Orders Issued		51

BOARD ACTIVITY 1985/86

SIGNED AGREEMENTS FOR SURFACE LEASES	
Registered Leases	351
REVIEW OF COMPENSATION APPLICATIONS	
Applications	90
Settled*	58
Outstanding	32
RIGHT-OF-ENTRY APPLICATIONS	
Applications	28
Settled*	24
Outstanding	4
DAMAGE CLAIMS (Tortious Acts)	
Application	4
Settled*	4
Outstanding	0
ABANDONMENT NOTICES	
Notices	44
Settled*	3
Outstanding	41

* Those files listed as settled were not necessarily settled in the year in which they were received.

BOARD ACTIVITY 1984/85

SIGNED AGREEMENTS FOR SURFACE LEASES	
Registered Leases	259
REVIEW OF COMPENSATION APPLICATIONS	
Applications	48
Settled*	48
Outstanding	0
RIGHT-OF-ENTRY APPLICATIONS	
Applications	19
Settled*	19
Outstanding	0
DAMAGE CLAIMS (Tortious Acts)	
Application	1
Settled*	1
Outstanding	0
ABANDONMENT NOTICES	
Notices	29
Settled*	10
Outstanding	19

* Those files listed as settled were not necessarily settled in the year in which they were received.

BOARD ACTIVITY 1983/84

SIGNED AGREEMENTS FOR SURFACE LEASES	
Registered Leases	192
REVIEW OF COMPENSATION APPLICATIONS	
Applications	246
Settled*	243
Outstanding	3
RIGHT-OF-ENTRY APPLICATIONS	
Applications	45
Settled*	45
Outstanding	0
DAMAGE CLAIMS (Tortious Acts)	
Application	15
Settled*	15
Outstanding	0
ABANDONMENT NOTICES	
Notices	17
Settled*	4
Outstanding	13

* Those files listed as settled were not necessarily settled in the year in which they were received.

BOARD ORDERS

In the fiscal year 1986/87, the Surface Rights Board issued a total of 51 Board Orders.

BOARD ORDERS ISSUED 1986/87

Applicant	Particulars	File Number	Order Number	Date Issued	Decision of Board
Andrew Mgmt.	Review of Comp.	239-85-A	24/86	July 17/86	$1,269.16
Andrew Mgmt.	Review of Comp.	240-85-A	25/86	July 17, 86	$ 250.00
Andrew Mgmt.	Review of Comp.	241-85-A	26/86	July 17/86	$1,009.05
R.J. Andrew/ D. Leslie	Review of Comp.	226-85-A	27/86	July 17/86	$ 794.01
R.J. Andrew/ D. Leslie	Review of Comp.	227-85-A	28/86	July 17/86	$1,409.75
R.J. Andrew/ D. Leslie	Review of Comp.	228-85-A	29/86	July 17/86	$1,651.00
R.J. Andrew/ D. Leslie	Review of Comp.	165-85-A	30/86	July 17/86	$ 808.00
R.J. Andrew/ D. Leslie	Review of Comp.	166-85-A	31/86	July 17/86	$ 906.50
R.J. Andrew/	Review of Comp.	167-85-A	32/86	July 17/86	$1,291.51
Chevron	Abandonment	1-84-A(N)	33/86	Oct. 14/86	Granted
Chevron	Abandonment	15-84-A(N)	34/86	Oct. 14/86	Granted
Chevron	Abandonment	27-84-A(N)	35/86	Oct. 14/86	Granted
Chevron	Abandonment	28-84-A(N)	36/86	Oct. 14/86	Granted
Roxy Petroleum	Abandonment	80-84-A(N)	37/86	Oct. 14/86	Granted
Voyager	Abandonment	84-84-A(N)	38/86	Oct. 14/86	Granted

1986/87 BOARD ORDERS cont'd.

Murphy Oil	Abandonment	85-84-A(N)	39/86	Oct. 14/86	Granted
Roxy Petroleum	Abandonment	130-85-A(N)	40/86	Oct. 14/86	Granted
Dome Petroleum	Abandonment	145-85-A(N)	41/86	Oct. 14/86	Granted
Andex	Abandonment	255-85-A(N)	42/86	Oct. 14/86	Granted
Voyager	Abandonment	266-85-A(N)	43/86	Oct. 14/86	Granted
Voyager	Abandonment	277-85-A(N)	44/86	Oct. 14/86	Granted
Dome Petroleum	Abandonment	283-85-A(N)	45/86	Oct. 14/86	Granted
Chevron	Abandonment	288-85-A(N)	46/86	Oct. 14/86	Granted
Chevron	Abandonment	298-85-A(N)	47/86	Oct. 14/86	Granted
Columbia Gas	Abandonment	295-85-A(N)	48/86	Oct. 14/86	Granted
Columbia Gas	Abandonment	312-86-N	49/86	Oct. 14/86	Granted
Roxy Petroleum	Abandonment	131-85-A(N)	50/86	Oct. 14/86	Granted
J.F. Trewin	Termination of Board Order	348-86-A	51/86	Oct. 14/86	Granted
Omega Hydro-carbons Ltd.	Right of Entry	304-86-A	52/86	Nov. 6/86	Granted
Omega Hydro-carbons Ltd.	Compensation	304-86-A	53/86	Nov. 6/86	$1,852.50
M.L. Lee	Review of Comp.	334-86-A	54/86	Nov. 6/86	Denied
M.L. Lee	Review of Comp.	335-86-A	55/86	Nov. 6/86	$1,517.43
M.L. Lee	Review of Comp.	336-86-A	56/86	Nov. 6/86	$1,575.80
M.L. Lee	Review of Comp.	337-86-A	57/86	Nov. 6/86	Denied
M.L. Lee	Review of Comp.	338-86-A	58/86	Nov. 6/86	$2,515.50
M.L. Lee	Review of Comp.	339-86-A	59/86	Nov. 6/86	$1,968.84
M.L. Lee	Review of Comp.	340-86-A	60/86	Nov. 6/86	$1,968.84
Voyager Petroleums	Abandonment	80-84-A(N)	1/87	Jan. 5/87	Granted

1986/87 BOARD ORDERS cont'd.

Voyager Petroleums	Abandonment	82-84-A(N)	2/87	Jan. 5/87	Granted
Chevron	Abandonment	118-84-A(N)	3/87	Jan. 5/87	Granted
Saskoil	Abandonment	101-84-A(N)	4/87	Jan. 5/87	Granted
Chevron	Partial Abandonment	132-85-A(N)	5/87	Jan. 5/87	Granted
ICG Resources	Abandonment	143-85-A(N)	6/87	Jan. 5/87	Granted
Chevron	Abandonment	287-85-A(N)	7/87	Jan. 5/87	Granted
Chevron	Abandonment	289-85-A(N)	8/87	Jan. 5/87	Granted
Chevron	Abandonment	302-85-A(N)	9/87	Jan. 5/87	Granted
Resman	Abandonment	334-86-N	10/87	Jan. 5/87	Granted
Newscope	Abandonment	336-85-N	11/87	Jan. 5/87	Granted
Newscope	Abandonment	337-85-N	12/87	Jan. 5/87	Granted
Enron Oil	Abandonment	340-86-N	13/87	Jan. 5/87	Granted
Antler River	Abandonment	353-86-N	14/87	Jan. 5/87	Granted